

SUPREME COURT OF CALIFORNIA

**NOTICE OF
FORTHCOMING FILING**

The Supreme Court has indicated that the filing of a written opinion in the following case(s) is forthcoming. At the filing time designated below, the filed opinion(s) will be accessible at the judicial branch web site (www.courtinfo.ca.gov) and copies will be made available at the Supreme Court Clerk's Office.

[Generally, the description set out with regard to each case is reproduced from the original news release issued when review in the matter was granted, and is provided for the convenience of the public and the press. The description does not necessarily reflect the view of the court, or define the specific issues that will be addressed by the court.]

BARNETT (LEE) v. SUPERIOR COURT (PEOPLE, RPI)

S165522 (C051311; Butte County Superior Court – 91850)
Argued in Los Angeles 6-02-10

This case presents the following issues: (1) Is an out-of-state law enforcement agency part of the prosecution team for purposes of the disclosure obligations under *Brady v. Maryland* (1963) 373 U.S. 83, if the agency's involvement is limited to providing the prosecution with previously existing records regarding a defendant's prior crimes? (2) Is a prisoner seeking postconviction discovery under Penal Code section 1054.9 required to produce evidence indicating the actual existence of the discovery material he or she is requesting? (3) Is a prisoner seeking postconviction discovery under section 1054.9 required to plead a theory indicating the materiality of the materials requested if the basis for discovery is the prosecutor's *Brady* obligation to disclose exculpatory materials? (4) Is section 1054.9 unconstitutional as an unauthorized legislative amendment to the criminal discovery scheme established by Proposition 115?

Opinion(s) in the above case(s) will be filed on:

Thursday, August 26, 2010 at 10:00 a.m.
